

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O'SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES individually and on behalf of
all others similarly situated,

No. 23 Civ. 02848 (SJB) (SLT)

Plaintiffs,

v.

GOVERNMENT EMPLOYEES INSURANCE
COMPANY d/b/a GEICO,

Defendant.

**DECLARATION OF MICHAEL J. SCIMONE
IN SUPPORT OF PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR CLASS
CERTIFICATION**

I, Michael J. Scimone, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a partner at Outten & Golden LLP ("O&G") and one of the primary attorneys responsible for this matter.
2. I make this declaration in support of Plaintiffs' Reply In Support of Plaintiffs' Motion for Class Certification. I have personal knowledge of the matters set forth herein and would so testify if called as a witness at trial.

Exhibits

3. The exhibits referenced in Plaintiffs' Reply In Support of Plaintiffs' Motion for Class Certification are as follows:
 - a. Attached as Exhibit 1 is a true and correct copy of Plaintiff Constance Mangan's Performance Appraisal for 2019 ("Mangan 2019 Appraisal").

- b. Attached as Exhibit 2 is a true and correct copy of Plaintiff Keith Fischer's Performance Appraisal for 2019 ("K. Fischer 2019 Appraisal").
- c. Attached as Exhibit 3 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Charise Jones', dated August 12, 2024 ("Jones Dep.").
- d. Attached as Exhibit 4 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Margaret Fischer, dated December 19, 2024 ("M. Fischer Dep.").
- e. Attached as Exhibit 5 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Daniel King, dated January 7, 2025 ("King Dep.").
- f. Attached as Exhibit 6 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Keith Fischer, dated August 28, 2024 ("K. Fischer Dep.").
- g. Attached as Exhibit 7 is a true and correct copy of excerpts of the transcript from the deposition of Plaintiff Michael O'Sullivan, dated August 26, 2024 ("O'Sullivan Dep.").
- h. Attached as Exhibit 8 is a true and correct copy of the Declaration of Catherine O'Neil In Support of Plaintiffs' Reply In Support of Class Certification ("O'Neil Reply Decl.").
- i. Attached as Exhibit 9 is a true and correct copy of excerpts of the transcript from the deposition of Catherine O'Neil, dated April 25, 2025 ("O'Neil Dep.").

* * *

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: June 11, 2025
Nyack, NY

Respectfully submitted,

/s/ Michael J. Scimone

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*Attorney for Plaintiffs and the Putative Class and
Collective*